

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION**

**Civil Action No. 3:16-md-2738-FLW-LHG**

**MDL No. 2738**

This Document Relates to All Cases Filed  
Against Defendant Personal Care Products  
Council

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**THE PLAINTIFFS' STEERING COMMITTEE'S STATEMENT OF SUPPLEMENTAL  
FACTS IN SUPPORT OF ITS OPPOSITION IN RESPONSE TO PERSONAL CARE  
PRODUCTS COUNCIL'S MOTION FOR SUMMARY JUDGMENT**

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1. Since the 1970's PCPC was aware of and worked in concert with Johnson & Johnson and other cosmetic companies on issues concerning talc. This initially started with the first talc task force being created in the 1970's to coordinate voluntary, self-regulating testing standards for asbestos. These standards allowed for significant levels of asbestos to remain present up to a "detectable level." (Talc Task Force Minutes, Feb. 7 1975, CPC-POLAKOWTRSCPT00000266, Exhibit 1) (Talc Task Force Minutes, Mar. 11, 1976, JNJ 000254100, Exhibit 2) (Talc Subcommittee Minutes, Mar. 15, 1976, CPC-POLAKOWTRSCPT00000326, Exhibit 3) (Talc Task Force Minutes, Sept. 9, 1976, WCD000081, Exhibit 4) (Talc Task Force Minutes, Sept. 29, 1976, WCD000200, Exhibit 5) (Talc Task Force Minutes, Dec. 6, 1977, JNJ 000307294, Exhibit 6) (PCPC\_MDL00031603-09, Exhibit 69)

2. In 1976 the PCPC formed the Cosmetic Ingredient Review (CIR) in an effort to self-regulate the cosmetics industry and avoid any further actions from regulators.

(PCPC\_MDL00010631, Exhibit 47)

3. In the 1980's the PCPC Talc Task Force sent letters and correspondence to journal editors trying to discredit the work Dr. Cramer had done after he published an epidemiological study in 1982 showing an increased risk of ovarian cancer among women who use talc in the perineal area. (JNJ000029681, Exhibit 8; JNJ000036430, Exhibit 9; JNJ000036440, Exhibit 10; JNJ000058415, Exhibit 11; PCPC0080419, Exhibit 12)

4. Starting in 1992 the PCPC Talc Task Force started meeting on a much more regular basis and from 1992 to 2009 defendants contributed significant funds to this task force in order to pool resources to hire scientists and consultants to help battle regulatory agencies and mislead the public about the safety of talc. (PCPC\_MDL00028357, Exhibit 18; IMERYYS240345, Exhibit 19; IMERYYS239856, Exhibit 20; IMERYYS288396, Exhibit 22; IMERYYS288390, Exhibit 23; Talc Task Force Ledger 1992-2009, Exhibit 3 to Deposition of Mark Pollak, PCPC Corporate Representative, Aug. 29, 2018, Exhibit 26; PCPC\_MDL00029273, Exhibit 24; PCPC\_MDL00027958, Exhibit 25)

5. The PCPC contributed the majority of the funding for the 1994 "IS RTP/FDA" industry friendly workshop and arranged for consultants and presenters to attend this meeting. (JNJ000011704, Exhibit 13; PCPC\_MDL00020804, Exhibit 30; PCPC\_MDL00028665, Exhibit 29; PCPC\_MDL00028677, Exhibit 31)

6. The PCPC co-wrote, with other Talc Task Force members, an article on talc and was the lead presenter at the IS RTP workshop. Following this workshop, the Talc Task Force agreed to provide extra funding to the IS RTP for preparing and publishing an article about the workshop,

to which PCPC was permitted to review and edit. (JNJ000016566, Exhibit 33; JNJ000023733, Exhibit 123; Exhibit 30; PCPC\_MDL00028481, Exhibit 28; IMERY095244, Exhibit 32)

7. The PCPC also formed and operated various committees over the years focused on safety issues facing the cosmetic industry. These included the Scientific Advisory Executive Committee (SAEC) and the Safety and Regulatory Toxicology Committee (SRTC). (AEC Minutes, Feb. 27, 1997, CPC-NYCALTRSCPT00009958, Exhibit 38; SRTC Minutes July 18, 2001, PCPC\_MDL00010215, Exhibit 39; SRTC Draft Minutes, Mar. 26, 2002, JNJ000388775, Exhibit 40)

8. The PCPC authorized or funded third parties to consult or otherwise work on talc based issues. This included the Weinberg Group, Nichols-Dezenhall, and Burson-Marsteller. (Weinberg Group 0004-0006, Exhibit 42; Loretz Dep., Jul. 18, 2018 at 112:6-114:7, Exhibit 43; JNJ000564167, Exhibit 44; JNJ000013664, Exhibit 45)

9. The PCPC retained Dr. Alfred Wehner to represent industry at the 1994 ISRTP/FDA symposium. (Exhibit 29)

10. The ISRTP/FDA symposium was primarily funded by the PCPC with a \$20,000 contribution prior to the event and an additional \$4,650 contribution to the ISRTP after the event for a publication of manuscripts related to the event. (PCPC\_MDL00026142, Exhibit 27; Exhibit 28)

11. The CIR is wholly funded by and shares the same office space as PCPC in Washington, D.C. (Pollak Dep., Feb. 18, 2016 at 16:24-17:9, Exhibit 48; Loretz Dep., Jan. 8, 2016 at 40:13-15, Exhibit 49)

12. CIR staff are employees of PCPC, subject to PCPC's policies and procedures. (Loretz Dep., Oct. 2, 2018 at 834:20-835:2, Exhibit 50)

13. The PCPC President Edward Kavanaugh once boasted that CIR is one of three core parts of the organization and [REDACTED]

(PCPC\_MDL00015232, Exhibit 51)

14. In 1995 President Kavanaugh also stated [REDACTED]

[REDACTED] (Exhibit 51)

15. After the CIR reviewed talc and determined it to be safe Bill Kelly with the CRE boasted to Imerys that the finding is not surprising as CRE “engineered the CIR report from the outset.” (MBS-CRE000271, Exhibit 68)

16. The PCPC published a specification for talc that defined it as follows: “Talc is an essentially white, odorless, fine powder . . . containing no detectable fibrous, asbestos materials.” This changed from the early 1970s to the 1976 specification when the PCPC created the newly defined “cosmetic talc.” (JNJ000281901, Exhibit 83; IMERYS137726, Exhibit 84; PCPC\_MDL00007402, Exhibit 81)

17. The testing standard the PCPC came up with for asbestos only tested for tremolite asbestos at levels above 0.5% and did not test for either chrysotile asbestos or fibrous talc. (JNJ000218562, Exhibit 85)

18. The PCPC publishes the International Cosmetic Ingredient Dictionary and Handbook and has been doing so since 1973, the most recent edition was the 16<sup>th</sup> edition published in 2016.

[http://webdictionary.personalcarecouncil.org/ctfa-static/online/FrontMatter\\_Vol1%20Edited%20for%20Websites.pdf](http://webdictionary.personalcarecouncil.org/ctfa-static/online/FrontMatter_Vol1%20Edited%20for%20Websites.pdf).)

19. The PCPC currently recognizes their duty to consumers “remains to help consumers make informed decisions and have confidence in the products they use each day.”

(<https://www.cosmeticsdesign.com/Article/2020/03/10/The-PCPC-s-focus-on-science-safety-and-sustainability>.)

20. The PCPC responded to the 1994 Citizen's Petition seeking carcinogenic labeling on all cosmetic talc products by claiming [REDACTED]

[REDACTED] (PCPC0075387, Exhibit 87)

21. In 1996, while a member of the PCPC, condom maker Carter-Wallace removed talc from their condoms due to concerns over ovarian cancer and the PCPC is aware of this fact.

(JNJ000053072, Exhibit 90; PCPC0066819, Exhibit 91; JNJ000016158, Exhibit 92; IMERYSA\_0011817, Exhibit 93; PCPC\_MDL00010250, Exhibit 94; PCPC\_MDL00015287, Exhibit 95; PCPC\_MDL00030856, Exhibit 96; PCPC\_MDL00044793, Exhibit 97)

22. The PCPC submitted industry comments for their member Luzenac under the CTFA name to the NTP in the early 2000s. (PCPC0066630, Exhibit 100)

23. The PCPC has funded many studies on talc over the years starting in 1985 with Dr. Wehner and continuing through the 2000s. Wehner et al., *Do Particles Translocate From the Vagina to the Oviducts and Beyond?* 23 Fd. Chem. Toxic. 367 (1985), Exhibit 107; Wehner et al., *On Talc Translocation From the Vagina to the Oviducts and Beyond*, 24 Fd. Chem. Toxic. 329 (1986), Exhibit 108; (PCPC\_MDL00015494, Exhibit 109; PCPC00061912, Exhibit 110; PCPC0027850, Exhibit 111; IMERYS125259, Exhibit 112)

24. In correspondence with its UK counterpart the CTPA the PCPC admitted [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (PCPC0072694, Exhibit 113)

25. While knowing that ovarian cancer from talc exposure is plausible, PCPC proclaimed there was no scientific justification to support a request for a warning label of the same.

(PCPC\_MDL00031778, Exhibit 127; PCPC\_MDL00031693, Exhibit 128)

26. CIR is used to provide a [REDACTED] for industry. (PCPC\_MDL0010473, Exhibit 129)

27. One of PCPC's core functions is to educate consumers on safety issues.

(PCPC\_MDL00007847, Exhibit 130)

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Respectfully submitted,

/s/ Michelle A. Parfitt

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